

Clearwater Underground Water Conservation District Meeting
700 Kennedy Court
Belton, TX
Wednesday, October 12, 2022
Minutes

The Clearwater Underground Water Conservation District (CUWCD) held a Workshop at 10:00 a.m. and the Regular Board meeting at 1:30 p.m. on Wednesday, October 12, 2022, at the Clearwater UWCD Building, located at 700 Kennedy Court, Belton, Texas.

Board Members Present:

Leland Gersbach, President, Pct 1
David Cole, Vice President, At Large
Gary Young, Secretary, Pct 2
Jody Williams, Director, Pct 3
Scott Brooks, Director, Pct 4

Absent:

Staff:

Dirk Aaron, General Manager
Shelly Chapman, Admin Manager

Guest:

Sandra Blankenship – WCID 1
Mike Keester – RW Harden
Cole Ruiz – Lloyd Gosselink (phone)

Workshop convened with President, Leland Gersbach, at 1:30 p.m.

Workshop Item #1: Receive update related to GMA8 DFC, per TWC section 36, 108, and plans for the next round.

Dirk informed the Board that Round 3 of the MAG is coming to an end. TWDB sent out a letter that the explanatory report is administratively complete and the new MAGs should be out soon. Round 4 to update the North Texas GAM will begin soon. GMA8 put out an RFQ. The committee will review and make recommendations.

Workshop Item #2: Receive update related to the 2022 Bell County Water Symposium.

Dirk discussed the speakers for this year's event and the final agenda. Ads should start running this week. Shelly and Tristin are working on the other details of the event.

Workshop Item #3: Receive update related to the BELCOR RHCP.

Dirk gave the Board a handout with a summary of the entire project from Blanton & Associates/ICF. Comptroller's office requested this summary. Dirk discussed the reason for the request from the comptroller's office and the benefits of having this summary report available..

Workshop closed and Regular Board Meeting convened with President, Leland Gersbach, at 1:54 p.m.

1. Invocation and Pledge of Allegiance.

Vice President, David Cole, gave the invocation.
Secretary, Gary Young, led the Pledge of Allegiance.

2. Public Comment.

None.

3. Approve minutes of the September 14, 2022, Board meeting.

Board members received the minutes of the September 14, 2022, Board meeting and workshop in their Board packet to review prior to the meeting.

Director, Scott Brooks, moved to approve the minutes of the September 14, 2022, Board meeting and Workshop. Secretary, Gary Young, seconded the motion.

Motion carried 5-0.

4. Discuss, consider, and take appropriate action, if necessary, to accept the monthly Financial Report for September (FY22) as presented.

Board members received the monthly financial report for September 2022 in their Board packet to review prior to the meeting.

Vice President, David Cole, moved to accept the monthly financial report for September 2022 as presented. Secretary, Gary Young, seconded the motion.

Motion carried 5-0.

5. Discuss, consider, and take appropriate action, if necessary, to accept the monthly Investment Fund account report for September (FY22) as presented.

Board members received the monthly Investment Fund account report for September 2022 in their Board packet to review prior to the meeting.

Director, Jody Williams, moved to accept the monthly investment fund account report for September 2022 as presented. Director, Scott Brooks, seconded the motion.

Motion carried 5-0.

6. Discuss, consider, and take appropriate action, if necessary, to accept the Quarterly Deferred Compensation Employee Retirement Program account report as presented.

Board members received the Quarterly Deferred Compensation Employee Retirement Program account report in their Board packet to review prior to the meeting.

Director, Scott Brooks, moved to accept the quarterly report as presented. Director, Jody Williams, seconded the motion.

Motion carried 5-0.

7. Discuss, consider, and take appropriate action, if necessary, to approve the FY22 line-item budget amendments as requested.

Dirk and Shelly presented the line-item budget amendments for 1) Hydrogeologist fees for permit reviews and fees related to rule-making changes, 2) Legal fees related to rule-making changes and legislative research/analysis.

Dirk reminded the Board that this is a simple adjustment between line items.

Vendor	Line Item	Invoice Amount	Available Funds	Amount Requested	New Balance	From	Available Funds	New Balance
RW Harden	53731-Permit Rev - Geo	\$2,400.00	\$148.50	\$2,251.50	\$2,400.00	53732-Permit Rev-Legal	\$3,879.10	\$1,627.60
RW Harden	53130.2-Eval of Rules	\$1,200.00	\$0.00	\$1,200.00	\$1,200.00	53120.1-Coalition	\$22,767.50	\$21,567.50
Lloyd Gosseink	53703-Rules/Acctblty	\$5,482.00	\$0.00	\$5,482.00	\$5,482.00	53120.1-Coalition	\$21,567.50	\$16,085.50
Lloyd Gosseink	53703-Rules/Acctblty	\$806.50	\$0.00	\$806.50	\$806.50	53120.1-Coalition	\$16,085.50	\$15,279.00

Secretary, Gary Young, moved to approve line-item budget amendments as presented. Vice President, David Cole, seconded the motion.

Motion carried 5-0.

8. Discuss, consider, and take appropriate action, if necessary, to approve the FY23 line-item budget amendments as requested.

Dirk presented the line-item budget amendments for items related to price increase for computer consulting and network management by Engineer Austin. The price increase will effective November 1, 2022.

Vendor	Line Item	FY23 Budgeted Amount		Additional Amount Requested	FY23 Amended Budget	From	Available Funds	New Balance
Engineer Austin	53315-Network Sustainme	\$5,400.00		\$2,400.00	\$7,800.00	50250-Contingency Fund	\$61,545.00	\$59,145.00
Engineer Austin	53311-Hosting Website	\$0.00		\$300.00	\$300.00	50250-Contingency Fund	\$59,145.00	\$58,845.00
Engineer Austin	53400-Licenses/Virus Pro	\$1,500.00		\$408.00	\$1,908.00	50250-Contingency Fund	\$58,845.00	\$58,437.00

Director, Scott Brooks, moved to approve line-item budget amendments as presented. Director, Jody Williams, seconded the motion.

Motion carried 5-0.

9. Discuss, Consider, and take appropriate action, if necessary, to approve by resolution, proposed amendments to District Rules.

Dirk presented a final draft of the proposed amendments to the District Rules. Dirk highlighted all the changes and reviewed each one with the Board. Legal counsel, Cole Ruiz, was present via phone to answer questions and make suggestions as necessary. The Board asked questions and made suggestions related to the minor permit amendments 6.1.4, drilling and operating permits 6.9.2, fee schedules, and grammatical changes.

Director, Scott Brooks, moved to approve by resolution the proposed amendments to District Rules, with changes as discussed to sections 6.1.4, 6.9.2, and grammatical corrections, effective November 1, 2022. Secretary, Gary Young, seconded the motion.

Motion Carried 5-0.

10. Discuss, consider, and take appropriate action, if necessary, to amend by resolution, proposed changes to the District Administrative fee Schedule, Permitting Fees, and Civil Penalty Fee Schedules.

Dirk presented amendments to the District fee schedules related to administrative fees, permitting fees, and civil penalty fees. He explained the process for determining fees and different tiers.

Changes were discussed for administrative fees related to groundwater availability study review, encumbrance agreement review and recording fees, and shared well agreements review and recording fees. The suggestion was made that there be a standard form or template created and used by applicants that does not require a legal review only a recording fee. If the applicant chooses to use an outside form, there should be a fee added for legal review of said form.

Director, Scott Brooks, moved to approve by resolution, proposed amendments to District administrative fees, permitting fees, and civil penalty fees, with changes as discussed effective November 1, 2022. Director, Jody Williams, seconded the motion.

Motion Carried 5-0.

11. General Manager's report concerning office management and staffing related to District Management Plan.

- Museum building design is about 98% complete and will be going out for bids soon.
- Will be sending out notices to well drillers about rule changes.
- Newsletter will be going out later than usual. Hope to have it out at the end of the year.
- Pushing out promotional information about the Water Symposium.
- Dirk received a flyer about land sales out near Hidden Springs. He will be going to check it out.

12. Review monthly report and possible consideration and Board action on the following:

- a) Drought Status Reports
- b) Education Outreach Update
- c) Monitoring Wells
- d) Rainfall Reports
- e) Well Registration Update
- f) Aquifer Status Report & Non-exempt Monthly Well Production Reports

(Copiers of the Monthly Staff Reports were given to the Board Members to review. No action is required. Information items only.)

13. Director's comments and reports.

- **Leland Gersbach:** He will reach out to Judy Parker and let her know the District has finally implemented management zones. She pushed for that for many years. She will be happy.
- **Jody Williams:** None
- **Gary Young:** Thanked Dirk for everyone's efforts and work on the proposed rule changes.
- **Scott Brooks:** None
- **David Cole:** None

14. Discuss agenda items for the next meeting.


- Continue show cause hearing – Tomas Reynoso
- Year-end closeout
- Visitors coming to address water concerns

15. Set the time and place of the next meeting.


Wednesday, November 9, 2022, at 1:30 p.m. at the CUWCD office.

16. Adjourn.

Board Meeting closed with President, Leland Gersbach, at 4:17 p.m.


Leland Gersbach, President

ATTEST:



Gary Young, Secretary of
Dirk Aaron, Assistant Secretary

**RESOLUTION
OF THE BOARD OF DIRECTORS OF THE CLEARWATER
UNDERGROUND WATER CONSERVATION DISTRICT
MEETING HELD OCTOBER 12, 2022**

**A RESOLUTION AMENDING BOTH THE PERMIT APPLICATION FEES
AND CIVIL PENALTIES IN THE DISTRICT'S ADMINISTRATIVE
FEE SCHEDULE AND THE CIVIL PENALTIES SCHEDULE**

WHEREAS, the Clearwater Underground Water Conservation District (CUWCD) is a political subdivision of the State of Texas and underground water conservation district created and operating under and by virtue of Article XVI, Section 59, of the Texas Constitution; Texas Water Code Chapter 36; the District's enabling act, Act of May 27, 1989, 71st Legislature, Regular Session, Chapter 524 (House Bill 3172), as amended by Act of April 25, 2001, 77th Legislature, Regular Session, Chapter 22 (Senate Bill 404), Act of May 7, 2009, 81st Legislature, Regular Session, Chapter 64 (Senate Bill 1755), and Act of May 27, 2015, 84th Legislature, Regular Session, Chapter 1196, Section 2 (Senate Bill 1336)(omnibus districts bill); and the applicable general laws of the State of Texas;

WHEREAS, § 36.205 of the Texas Water Code authorizes a groundwater conservation district to set fees for administrative acts of the district, including fees for the filing of applications, and provides that fees set by a district may not unreasonably exceed the cost to the district of performing the administrative function for which the fee is charged;

WHEREAS, § 36.101 of the Texas Water Code authorizes a groundwater conservation district to make and enforce rules to provide for conserving, preserving, protecting, and recharging of the groundwater or of a groundwater reservoir or its subdivisions in order to control subsidence or prevent waste of groundwater and to carry out the powers and duties provided by Chapter 36 of the Texas Water Code;

WHEREAS, the Board of Directors of the District (the "Board") initially adopted an Administrative Fee Schedule for the District on February 1, 2002, and has subsequently amended the Administrative Fee Schedule in accordance with both § 36.205 of the Texas Water Code and District Rule 13.1 Permit Application Fee and Other Fees;

WHEREAS, the Board initially adopted Civil Penalty Schedule for the District effective February 1, 2002, and has subsequently amended the Civil Penalty Schedule in accordance with both § 36.102 of the Texas Water Code for the Enforcement of District Rules and District Rule 12.3 Rule Enforcement;

WHEREAS, District Rule 13.1 authorizes the Board to establish by resolution a schedule of fees for administrative acts of the District, including but not limited to the cost of reviewing and processing permit applications and renewal applications, and the cost of permit hearings, and provides that such administrative fees shall not unreasonably exceed the cost to the District for performing such administrative acts;

WHEREAS, the Board and District's General Manager ("General Manager") have identified necessary revisions to the District's Administrative Fee Schedule and have specifically

identified the need to revise the permit application fees set forth in the District's Administrative Fee Schedule and update the District Civil Penalty Schedule;

WHEREAS, the General Manager has evaluated past, current and anticipated costs of the District to perform the administrative functions associated with processing permit applications submitted to the District, including but not limited to the technical and legal consultant costs associated with processing permit applications, and has considered the District's budget and any impact to permit applicants of imposing increased application fees; and

WHEREAS, the General Manager has reviewed the Civil Penalty Schedule for accuracy, content, and relevance to the amended rules by correcting language and dates associated with compliance matters and water well construction and completion requirements of the District; and

WHEREAS, the General Manager has developed and presented a recommendation on the amount of the permit application fees, administrative fees and civil penalty amounts based upon the above-referenced considerations; and

WHEREAS, the Board desires to amend the District's Administrative Fee Schedule to specifically revise the District's permit application fees, minor amendment application fees and add additional fees for review of groundwater availability study reviews, encumbrance agreement review & recording fees, shared well agreement review & recording fees.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Administrative Fee Schedule and the Civil Penalty Schedule are attached to this resolution and are hereby incorporated into this resolution.
2. The Administrative Fee Schedule and the Civil Penalty Schedules attached to this resolution includes the revisions made to the District's permit application fees and District civil penalty schedule.
3. The Administrative Fee Schedule is revised and adopted in accordance with District Rule 13.1 and § 36.205 of the Texas Water Code.
4. The Board of Directors finds that the fees established in the Administrative Fee Schedule, including the permit application fees, are directly related to the costs of the District to perform the administrative function, and do not unreasonably exceed the costs of the District to perform the administrative function.
5. The Civil Penalty Fee Schedule is revised and adopted in accordance with District Rule 12 Investigations and Enforcement and § 36.102 of the Texas Water Code for the Enforcement of District Rules.
6. The Board of Directors and/or General Manager are further authorized to take any and all action necessary to implement this resolution.
7. The Administrative Fee Schedule for the District is effective as of the date of adoption of this resolution by the Board of Directors.

AND IT IS SO ORDERED.

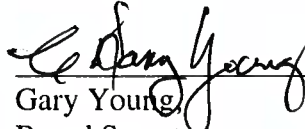
Upon motion duly made by Scott Brooks and seconded by Jody Williams and upon discussion, the Board voted 5 in favor and 0 opposed, and the motion thereby PASSED on this 12th day of October, 2022.

Attachments: District Administrative Fee Schedule and District Civil Penalty Schedule

CLEARWATER UNDERGROUND WATER CONSERVATION DISTRICT

By: 
Leland Gersbach,
Board President

ATTEST:


Gary Young,
Board Secretary